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FEDERAL COMMUNICATIONS COMMISSION Washington, D C. 20554

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OFFICE OF MANAGING DIRECTOR

MAY 1 0 2004

Mr. Clay Dotson Tri-County TV Booster Club, Inc. Post Office Box 57 Hiawassee, Georgia 30546-0057

Re: Request for Deferral and Waiver of

FY 2003 Regulatory Fee

Tri-County TV Booster Club, Inc. Fee Control No. 00000RROG-04-046

Dear Mr. Dotson

This is in response to your request dated March 15, 2004 on behalf of the Tri-County TV Booster Club, Inc. (Club) for waiver of the fiscal year (FY) 2003 regulatory fees for translator stations W13AY, W07BE, and W10AQ.

In support of your request, you state that in a January 7, 2002 letter ruling the Commission waived the FY 2000 and 2001 regulatory fees for the Club, and that there have been no changes in the Club's status since that time that would affect the Club's qualifications for waiver. In particular, you state that the Club does not have common ownership with a commercial station, does not derive income from advertising, and has been dependent on contributions from the community it serves.

In implementing the regulatory fee program, the Commission stated that it would waive its regulatory fees for any community-based translator station upon a showing that the station:

(1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from the members of the community served for support.¹

The licensee bears the burden of documenting its eligibility for the waiver; otherwise, the regulatory fee is due. *Id.* Based on the statements in your letter, it appears that the Club meets the criteria for the type of translator operation for which the Commission will waive regulatory fees. We therefore grant your request on behalf of the Club for waiver of the FY 2003 regulatory fees and Bill numbers 04RE004404 and 04RE004403 will be canceled.

¹ Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, MD Docket No 94-19, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761 para 16 (1995)

Mr. Clay Dotson

As the Commission has previously informed you, the Club is under a continuing obligation to report to the Commission any changes that could affect its qualifications for this fee exemption, such as a change in its operations in accordance with the requirements set forth above. You should retain this letter and submit a copy of it with any future correspondence with the Commission concerning regulatory fees for the Club.

You also mention that you continue to operate translator station W13AY but did not receive a fee notification for FY 2003. Our records indicate that station W13AY is included among the stations in the Club for which regulatory fees are assessed and, thus, you should have received a FY 2003 regulatory fee notice. We apologize for any inconvenience to you and believe this problem will not reoccur.

If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Finally, you mention that the Club has eliminated from service translator stations W13AX, W10AM, and W07BB and request that the Commission adjust its records accordingly. We have referred your request to the responsible officials in the Commission's Media Bureau, who will contact you to advise you of the appropriate procedures for completing these changes and ensuring that our records are accurate. If you have any further questions concerning this matter, please contact the Media Bureau's Video Division at (202) 418-1600.

Sincerely,

Mark A. Reger

Chief Financial Officer

Copy to: Jame

James J Brown

Deputy Chief, Video Division

Media Bureau

00000 RR06-04-046

Tri-County TV Booster Club, Inc. P.O. Box 57 Hiawassee, GA 30546-0057

March 15, 2004

Federal Communications Commission Revenue & Receivables Operations Room 1A821 445 12th Street, S W Washington, D C 20554

Re FY 2003 Mass Media Regulatory Fees

Please refer to enclosed letters for background information concerning the Tri-County TV Booster Club, Inc.

You will note that in January 2002 the Federal Communications Commission approved a waiver of fees to Tri-County TV Booster Club We were informed that we had a continuing obligation to report to the Commission any changes that could affect our qualifications for this fee exemption No changes have occurred that would endanger the waiver. We don't have common ownership with a commercial station. We don't derive income from advertising. We have been dependent on contributions from the community we serve Today, our contributions are from a few persons who want to keep the translators operational for a small group of older and poor folks who would not have any TV otherwise. I am not sure how long we can continue, but we will notify the FCC at any time we should discontinue the operation of the translator stations

Again, we ask that the Federal Communications Commission to continue its policy of waiving regulatory fees for the Tri-County TV Booster Club

We have requested on more than one occasion that your records be adjusted to show that we eliminated from service the following Translators W13AX, W10AM, and W07BB. We continue to operate Translators W13AY, W07BE, and W10AQ This time, we received regulatory fee request for Translators W07BE and W10AQ that we operate and for Translators W10AM and W07BB that were eliminated several years ago. Translator W13AY, the third one that we operate, was not mentioned.

Sincerely,

Clay Dotson PO Box 146

Young Harris, GA 30582

Enclosures

MAR 26 2004



Federal Communications Commission Washington, D.C. 20554 January 7, 2002

Clay Dotson P O Box 146 Young Harris, GA 30582

> Request for Waiver of Regulatory Fees Fee Control No. 00000RROG-02-001

Dear Mr. Dotson

This is in response to your November 5, 2001 letter (attaching a copy of your letter dated November 13, 2000) which requests waiver of the Fiscal Years 2000 (FY 2000) and 2001 (FY 2001) regulatory fees for television translators W13AY, W07BE and W10AQ, licensed to Tri-County TV Booster Club, Inc., Hiawassee, Georgia. You note that you have eliminated three translators, W13AX, W10AM, and W07BB, and you ask that the Commission's records be adjusted to reflect that fact.

In light of the Commission's requirements concerning waivers of regulatory fees for community based translator stations, a translator station requesting waiver of regulatory fees must show that it:

is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from members of the community served for support.

Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 16, released June 22, 1995

Your request states that waivers have in the past been granted to Tri-County as a non-profit community service organization and you seek waivers for FY-2000 and FY-2001 for the same reasons enumerated previously. The Commission's records reflect that a determination has been made that Tri-County is entitled to a waiver of its regulatory fees. See, e.g., letter dated July 6, 1998 to Mr. Clay Dotson. In light of these circumstances, you have established that a waiver of FY 2000 and FY 2001 regulatory fees for the translator stations of Tri-County TV Booster Club, Inc., is warranted.

You should note that Tri-County TV Booster Club, Inc., is under a continuing obligation to report to the Commission any changes that could affect its qualifications for this fee exemption, such as a change in its operations in accordance with the requirements set forth above. You should retain this letter and submit a copy of it with any future correspondence with the Commission concerning regulatory fees for Tri-County TV Booster Club, Inc.

If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at 418-1995

Sincerely,

Mark Reger

Chief Financial Officer

Tri-County TV Booster Club, Inc. P.O. Box 57 Hiawassee, GA 30546-0057

November 5, 2001

Attn Regulatory Fee Waiver/Reduction Request Office of the Managing Director Federal Communications Commission 445 12th Street, S.W , Room 1-A625 Washington, D C 20554

Re FY 2001 Mass Media Regulatory Fees

Last year at this time, I wrote to you concerning the status of The Tri-County TV Booster Club of Hiawassee, Georgia. A copy of the letter is enclosed To date, no response has been received Yet, the annual mass media regulatory fee forms for each translator station have been received again

In last year's letter, I informed you that we had eliminated stations with the following call numbers W13AX, W10AM, and W07BB. The FCC was notified at the time they were eliminated Since we received a separate regulatory fee for the eliminated stations, I assume you have not removed them from your active list of translator stations.

Are we still exempt from payment since we are a non-profit community service organization? Please refer to the enclosed letters for additional information.

Our Tax Identification number is 58-1554354

If you respond, please send to Clay Dotson, PO Box 146, Young Harris, Georgia 30582.

Sincerely,

Clay Dotson

Tri-County TV Booster Club, Inc. P.O. Box 57 Hiawassee, GA 30546-0057

November 13, 2000

Attn Regulatory Fee Waiver/Reduction Request Office of the Managing Director Federal Communications Commission 445 12th Street, S W, Room 1-A625 Washington, D.C 20554

Re FY 2000 Mass Media Regulatory Fees

The Tri-County TV Booster Club has operated TV translator stations in the North Georgia Mountains for three decades. During that time the primary person in our organization was L.C McCall who took care of communications with the FCC. Mr. McCall died about three months ago and I have secured the records of the organization from his daughter. While going through them tonight, I discovered mailings from the FCC concerning regulatory fees and the 2000 annual employment report Needless to say, the deadline for responding has passed.

I need your advice on what I should do I found evidence that we have been granted a waiver of fees in the past Copies of the letter requesting the waiver and your response are enclosed.

The Booster Club does not and has never had paid employees Until recently, we operated six translators at two separate sites. One of the sites was eliminated and I know that we sent a letter to the FCC advising you of that action. I don't find a copy in the files that Mr. McCall's daughter gave to me We received regulatory fee and employment forms for the three eliminated translators. The call letters for the translators that were eliminated are W13AX, W10AM, and W07BB.

We still operate one site with three translators with the following call letters: W13AY, W07BE, and W10AQ. We are requesting a continuation of the waiver of fees for the same reasons enumerated previously

The translator site still in operation serves a small number of older citizens who live back in the hollows of a small area around Young Harris, Georgia. Many of them cannot afford satellite receivers and don't have access to cable. Persons who once provided donations to keep the organization going can afford satellite receivers and/or cable and are not interested in providing contributions today. The imposition of fees would most likely force us to close down the site within a few years.

Please advise me as to additional steps that I need to take to correct our failure to file on time.

Clay Dotson P O Box 146 Young Harris, GA 30582

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Document Number 04RE002327	
FRN 0010309532	Tri-County TV Booster Club, Inc
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Bill Type REG9	Bill Paid \$0.00
Bill Due Date 03/13/04	Bill Belence Due \$365.00
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Federal Communications Commission Washington, D.C. 20554 March 16, 2004

Tri-County TV Booster Club, Inc P O. Box 57 Hawassee, GA 30546

Re: 04RE004403

Dear Licensee:

This letter is in reference to the annual 2003 regulatory fee(s), which were due to the Federal Communications Commission (Commission) by no later than September 26, 2003. This is a mandatory fee established by Congress in accordance with The Omnibus Budget Reconciliation Act of 1993 The fees are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities.

The Commission is currently verifying its FY 2003 Mass Media Bureau regulatory fees collection to identify those regulatees who have not paid. Our research indicates that we have no record of your 2003 regulatory fee payment for the following call sign:

W13AX

The amount now due is \$365.00 plus 25% penalty of \$91.25 for late payment of the fee(s). The total amount now due is \$456.25. Payment in full should be remitted with the enclosed Form 159 to: Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340 within thirty (30) days of the date of this letter. You should submit all payments that may be due including the 25% penalty for each call sign. To obtain a copy of the Public Notice for further instructions, go www.fcc.gov and click on "Fees." Then click on Regulatory Fees and locate your particular service.

If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position within thirty (30) days of the date of this letter These documents should be sent to: Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.

We urge you to verify that proper payment was made to the Commission for this or any other call sign in past years. If you find that you were responsible for this payment but neglected to provide it in a past year, please remit those additional fees plus a 25% penalty before additional administrative action is undertaken.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined by CFR Section 1.1164 of our Rules These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why its existing instrument of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal Government pursuant to Section 3720A of the Internal Revenue Code and the provisions of the Debt Collection Improvement Act of 1996.

If you need further assistance, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Revenue & Receivables Operations Group

Enclosure

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Federal Communications Commission Washington, D.C. 20554 March 16, 2004

Tri-County TV Booster Club, Inc P.O Box 57 Hawassee, GA 30546

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Claudette E Pride, Chief

Revenue & Receivables Operations Group

Enclosure

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Tom Putnam

From:

Andrea Kearney

Sent:

Tuesday, April 13, 2004 5 15 PM

To:

Tom Putnam

Cc: Subject: Claudette Pride, Allan Sacks RE Tri County TV Booster Club

Tom.

In his fee waiver request, Mr Dotson raises as separate issues, first that he has been telling the FCC since 2000 that the Tri County TV Booster Club no longer operates three stations for which he continues to receive regulatory fee notices (including FY 2003), and second that of the three stations that he continues to operate, he only received FY 2003 regulatory fee notices for two stations. Although these are separate issues from the fee waiver issue, I am reluctant to draft a response that ignores these two concerns. As to the first concern, the Media Bureau has agreed to contact Mr Dotson and advise him of the proper procedures for getting the FCC records adjusted to reflect that he no longer operates these stations. As to the second concern, it appears that Mr Dotson should have received a regulatory fee notice for W13AY but did not (please see email exchange below)—which means that there is a record missing on OMD's database for FY 2003 reg fee notices for this station or some other problem. Would you please follow up on this and add language to the draft response to the effect that we have taken steps to address this problem (or, if this is the case, that W13AY is listed in the database that was used for the FY 2003 reg fee notices so he should expect this will not recur). In any event, I don't think we can ignore Mr Dotson's concern and I do not want to delay OGC's response on the fee waiver portion. Please let me know what you find. Thanks much

----Original Message----From: Tom Putnam

Sent: Tuesday, April 13, 2004 4:09 PM

To: Andrea Kearney

Cc: Claudette Pride; Allan Sacks

Subject: RE: Tri County TV Booster Club

What database are you referring to here?

Tom Putnam 418-2992

*** Non-Public For Internal Use Only ***

----Original Message----

From:

Andrea Kearney

Sent:

Thursday, April 08, 2004 4 33 PM

To: Tom Putnam

Cc: Claudette Pride, Allan Sacks

Subject:

FW: Tri County TV Booster Club

Hi Tom,

Looks like there is a record missing in OMD's database for Tri-County TV Booster Club. As we discussed earlier today, would you please follow up on this matter to correct Tri-County's records for W13AY and make the appropriate change in the draft fee waiver response to Mr. Dotson that we will send down shortly to OMD? The letter we are drafting will already contain the fee waiver discussion, of course, as well as the discussion of how the Media Bureau will handle Mr. Dotson's request that the Commission correct its records as to three translator stations that the Club has eliminated from service. I do not want to delay OGC's preparation of the response any longer. Thanks for your help on this.

Andrea Kearney 418-7271

----Original Message-----From: Michael Teaney

Sent: Thursday, April 08, 2004 4:09 PM

To: Andrea Kearney

Cc: Carolyn Dildy; Jim Brown

Subject: RE: Tri County TV Booster Club

Andrea,

I checked with our CDBS computer programmer, Carolyn Dildy, who verified that, according to CDBS, Tri-County TV Booster Club should have been notified of a FY 2003 regulatory fee for TV translator station W13AY—Also, Carolyn reminded me that OMD utilized a contractor (Data World) and its data base as the source for sending out FY 2003 regulatory fee notices rather than Media Bureau's data base (CDBS).

Mike

----Original Message----

From:

Andrea Kearney

Sent:

Thursday, April 08, 2004 3.23 PM

To:

Michael Teaney

Subject:

Tri County TV Booster Club

Michael,

In follow up to our conversation, I wanted to provide you the call signs for the stations that Mr. Dotson says the Club continues to operate W13AY, W07BE, and W10AQ. He states in his letter that he did not receive a FY 2003 regulatory fee notice for W13AY. Can we determine whether that call sign is correctly included in the Media Bureau's database that is referred to OMD for fee notices? I'd like to be able to tell Mr. Dotson that we've taken the appropriate steps to correct his records. Thanks very much for your help

Andrea Kearney 418-7271